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Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/458)*]

72/114. Model Law on Electronic Transferable Records of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution 60/21 of 23 November 2005, by which it adopted the United Nations Convention on the Use of Electronic Communications in International Contracts and called upon all Governments to consider becoming party to the Convention, and its resolutions 51/162 of 16 December 1996 and 56/80 of 12 December 2001, in which it recommended that all States give favourable consideration to the Model Law on Electronic Commerce and the Model Law on Electronic Signatures of the Commission, respectively,

Noting that, while the Convention, the Model Law on Electronic Commerce and the Model Law on Electronic Signatures are of significant assistance to States in enabling and facilitating electronic commerce in international trade, they do not fully address issues arising from the use of electronic transferable records in international trade,

Considering that uncertainties as to the legal value of electronic transferable records constitute an obstacle to international trade,

Convinced that legal certainty and commercial predictability in electronic commerce will be enhanced by the harmonization of certain rules on the legal recognition of electronic transferable records on a technologically neutral basis and according to the functional equivalence approach,

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Recalling that, at its forty-fourth session, in 2011, the Commission mandated its Working Group IV (Electronic Commerce) to undertake work on electronic transferable records,[1]

Noting that the Working Group devoted 10 sessions, from 2011 to 2016, to that work, and that the Commission considered at its fiftieth session, in 2017, a draft model law on electronic transferable records prepared by the Working Group, together with comments on the draft received from Governments and international organizations invited to sessions of the Working Group,[2]

Believing that a model law on electronic transferable records will constitute a useful addition to existing Commission texts in the area of electronic commerce by significantly assisting States in enhancing their legislation on electronic commerce, in particular as it relates to the use of electronic transferable records, or in formulating such legislation where none exists,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for completing and adopting the Model Law on Electronic Transferable Records;[3]

2. *Requests* the Secretary-General to publish the Model Law together with an explanatory note, including electronically, in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies;

3. *Recommends* that all States give favourable consideration to the Model Law when revising or adopting legislation relevant to electronic commerce, and invites States that have used the Model Law to advise the Commission accordingly;

4. *Also recommends* that States continue to consider becoming parties to the United Nations Convention on the Use of Electronic Communications in International Contracts[4] and to give favourable consideration to the use of the Model Law on Electronic Commerce[5] and the Model Law on Electronic Signatures[6] when revising or adopting legislation on electronic commerce;

5. *Appeals* to the relevant bodies of the United Nations system and other relevant international and regional organizations to coordinate their legal activities in the area of electronic commerce, including paperless trade facilitation, with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of legislation on electronic commerce.

67th plenary meeting
7 December 2017

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 238.

[2] Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), chap. III.

[3] Ibid., annex I.

[4] Resolution 60/21, annex.

[5] Resolution 51/162, annex.

[6] Resolution 56/80, annex.